

**IN THE CLAIMS:**

Please amend the claims as follows:

Cancel Claims 58-70, without prejudice.

Amend Claims 43 and 50-53 and 55-57 to read as follows:

43. (Amended) The embryonated egg of Claim 41, wherein the egg is six days  
D1 old.

50. (Amended) The embryonated egg of Claim 42 or 44, wherein the  
attenuated influenza virus is engineered to encode an epitope derived from another virus.

51. (Amended) The embryonated egg of Claim 42 or 44, wherein the  
attenuated influenza virus has a segmented genome comprising at least one segment derived  
from a different virus.

D2 52. (Amended) The embryonated egg of Claim 44, wherein the attenuated  
influenza virus is genetically engineered.

53. (Amended) The embryonated egg of Claim 42 or 44, wherein the mutation  
in the NS1 gene is a deletion at the C-terminal of NS1.

55. (Amended) The embryonated egg of Claim 42 or 44, wherein the mutation  
in the NS1 gene is a deletion at the amino-terminal of NS1.

56. (Amended) The embryonated egg of Claim 42 or 44, wherein the influenza  
virus is influenza A or B virus.

57. (Amended) The embryonated egg of Claim 42 or 44, wherein the influenza  
virus is responsible for the attenuated phenotype of the influenza virus.

Add new Claims 71-78, as follows:

71. (New) The embryonated egg of Claim 41 or 42, wherein the egg is six to eight  
days old.

72. (New) The embryonated egg of Claim 41 or 42, wherein the egg is six to seven days old.

73. (New) The embryonated egg of Claim 41, wherein the attenuated negative strand RNA virus is engineered to encode a foreign antigen.

74. (New) The embryonated egg of Claim 42 or 44, wherein the attenuated influenza virus is engineered to encode a foreign antigen.

75. (New) The embryonated egg of Claim 44, wherein the egg is six to eight days old.

76. (New) The embryonated egg of Claim 44, wherein the egg is six to seven days old.

77. (New) The embryonated egg of Claim 41, wherein the attenuated negative strand RNA virus is engineered to encode a tumor antigen.

78. (New) The embryonated egg of Claim 42 or 44, wherein the attenuated influenza virus is engineered to encode a tumor antigen.

#### **REMARKS**

Claims 41-70 were pending in this application. Applicant notes that the Examiner has withdrawn Claims 58-70 from consideration as being directed to non-elected inventions. In view of their withdrawal from consideration, Claims 58-70 have been canceled, without prejudice to Applicants' rights to pursue the subject matter of the canceled claims in related applications. Applicants have amended Claims 43 and 50-53 and 55-57 and added new Claims 71-78 to more particularly point out and distinctly claim the subject matter of the invention. In particular, Claims 43 and 50-53 and 55-57 have amended to change their dependency. New dependent Claims 71-78 recite specific ages of the embryonated eggs and characteristics of the viruses. A marked up version of the claims amended herein, with deletions indicated by brackets and additions indicated by underlining, is attached hereto as Exhibit A. The amendments to the claims and the new claims are fully supported by the